

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-
FORMING FOAMS PRODUCTS
LIABILITY LITIGATION

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MDL No. 2:18-mn-2873-RMG

**This Document Relates to Case
No. 20-cv-02115-RMG**

**NEW MEXICO’S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO
DEFENDANTS’ CERCLA LIABILITY PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 56**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs (the State of New Mexico, *ex rel.* Raul Torrez, Attorney General; James Kenney, in his official capacity as Cabinet Secretary for the New Mexico Environment Department; and Maggie Hart Stebbins, in her official capacity as Natural Resources Trustee) (collectively “New Mexico” or “the State”) submit this Motion for Partial Summary Judgment as to Defendants’ CERCLA Liability, seeking judgment that Defendants the United States and the United States Department of the Air Force (“Air Force”) (collectively “Defendants”) are liable under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9607(a), for the State’s response costs associated with releases of the hazardous substances perfluorooctanoic acid (“PFOA”) and perfluorooctane sulfonic acid (“PFOS”) at and from Cannon Air Force Base in New Mexico, in an amount to be proven at trial or in subsequent proceedings. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), New Mexico also seeks through this Motion a declaratory judgment that Defendants are liable for the States’ future response costs and damages.

As detailed in the accompanying Memorandum of Law in support of this Motion, there are

no genuine disputes of the material facts, and New Mexico is entitled to judgment as a matter of law. Thus, New Mexico's Motion should be granted.

Dated: June 25, 2025

Respectfully submitted,

Authorized for filing by
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 25, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record in this case via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Allan Kanner
Allan Kanner